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December 1, 1961

MEMORANDUM FOR MR. BUNDY/MR. ROSTOW

SUBJECT: The Geneva Accords Question

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I think this is his
idea* *W.C. Sullivan*
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As of Thursday morning, when I talked with Ben Wood, a draft telegram was being cleared on the subject of the handling of the Geneva Accords. This telegram was prepared in response to Nolting's suggestion that, instead of ignoring the problem, we attempt to justify the manpower increases on the theory that the number of French trainers at the end of the Indochinese War was much larger than we have recently been claiming. The telegram made the following points:

1. Agrees that the policy on the Geneva Accords will be increasingly embarrassing to implement.
2. Rejects the Nolting proposal but states that we do have a good legal position.
3. States that our line will be that the other side has been committing aggression and that the GVN has requested help; that the U. S. has acceded to the GVN request for increased assistance; that the measures the GVN is proposing to take are measures of legitimate self-defense and that as soon as the DRV aggression ceases the additional U. S. aid will be terminated.
4. Proposes that, on basis of argument in par 4 above, the GVN ask the ICC for increased patrols in the demilitarized zone.
5. Proposes that, having informed the ICC, we go to the UN. What kind of resolution we would seek in the UN has not been finally determined, but it would probably simply request the DRV to cease and desist and would support the request to the ICC for additional patrols.

The above approach permits us to take the initiative in the UN without running quite so great a risk that the UN will simply note the charges by both sides and recommend that they be taken to the ICC.

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US ARCHIST (NLK-83-142)	
By <i>mm</i>	NARS, Date 12/15/83

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We will be able to argue that we have taken our charges to the ICC and have asked for action. However, the approach involves an implicit rather than an explicit acknowledgment by us that we are ignoring the Geneva Accords. While this keeps the proposed actions within the general policy guidance laid down by the President, it will encourage the Communists to force us into an explicit acknowledgment. If we are not forced into such a defensive acknowledgment, our statements that we are only doing "what is necessary" will become more obviously an evasion of the issue. In either case, the tendency will be simply to confirm the views of the Indians and many others that both sides are equally wrong; that there is no choice on moral or legal grounds between their respective cases. Press reporting of what we are doing is likely in the end to force us into an acknowledgment that we are ignoring the Accords.

Accordingly, I continue to believe that we would be much better off if, as a part of our argument, we admitted frankly that we did not consider ourselves bound by General Smith's statements at the Geneva Conference so long as the DRV was in violation of the Accords. State has obviously chosen to avoid re-opening this question with the President as we encouraged them to do last week.

If you have an opportunity, you might discuss the proposed strategy with Alexis Johnson. When the telegram is sent out, perhaps we could use it to raise with the President the question of whether he wishes to reconsider his decision. The telegram will ask for Harriman's comments on the impact of the proposed line on the Geneva Conference; there should, therefore, be some opportunity for reconsideration. It would be better, however, to try to influence the line to be taken by talk with Johnson now.


Robert H. Johnson

cc: Mr. Kaysen

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